2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

13 May 2005
English
Original: Spanish

New York, 2-27 May 2005

National report of Guatemala as called for in the 2000 review of the operation of the Treaty on the Non-Proliferation of Nuclear Weapons, taking into account the decisions and the resolution adopted at the 1995 Review and Extension Conference of the Parties to the Treaty, with a focus on the implementation of article VI of the Treaty and paragraphs 3 and 4 (c) of the decision adopted in 1995 on principles and objectives for nuclear non-proliferation and disarmament

Report submitted by Guatemala

1. With the aim of building on the progress achieved in the implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the decision adopted in 1995 on principles and objectives for nuclear non-proliferation and disarmament and in support of the 13 practical steps towards nuclear non-proliferation and disarmament, Guatemala, as a non-nuclear-weapon State, presents the following report:

2. **Step 1**: Signature and ratification, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

3. Guatemala expresses its renewed support for the Comprehensive Nuclear-Test-Ban Treaty, which it signed on 20 September 1999. The ratification process is still at the stage of analysis and debate in the Congress of the Republic. Nonetheless, Guatemala urges the States listed in annex 2 to that Treaty to ratify it as promptly as possible so that it can speedily enter into force.

4. In addition, Guatemala ratified the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water on 6 January 1964. On 6 February 1970, Guatemala ratified the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), thereby becoming part of the first inhabited nuclear-weapon-free zone. Subsequently, on 1 April 1996, Guatemala ratified the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and

05-34367 (E) 180505 190505

Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof.[1]

5. In order to contribute to the speedy ratification of the Comprehensive Nuclear-Test-Ban Treaty, the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization conducted a seminar at the national level in March 2005 in Antigua, Guatemala, with high-level participation, including from the Ministry of Foreign Affairs and the Congress of the Republic, to make participants better acquainted with that Treaty and its importance. Guatemala has been a State member of the Preparatory Commission since 20 September 1999.[2]

6. Guatemala also offered to host a regional seminar, scheduled for October 2005, promoting speedy ratification of the Treaty.

7. **Step 2**: A moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of that Treaty.

8. Although Guatemala has no nuclear or related technology, it reaffirms its support for the maintenance of the moratorium on nuclear testing of any kind pending the entry into force of the Treaty. It also invites the nuclear-weapon States to declare such a moratorium as promptly as possible.

9. **Step 3**: The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.

10. Guatemala considers that it would be desirable for the State members of the Conference on Disarmament to undertake negotiations as soon as possible on a legally binding multilateral instrument, of international scope and with a verification mechanism, which would ban the production of fissile material for nuclear weapons. The member delegations will need to reach agreement on, among other things, the establishment of a negotiating committee, open to all members, to elaborate such an instrument.

11. Guatemala regularly joined the consensus on a resolution on the topic submitted annually. When for the first time such a resolution was submitted to a vote, on 3 December 2004, Guatemala voted in favour of General Assembly resolution 59/81 on the Conference on Disarmament decision (CD/1547) of 11 August 1998 to establish, under item 1 of its agenda entitled "Cessation of the nuclear arms race and nuclear disarmament", an ad hoc committee to negotiate, on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

---

[1] See http://disarmament.un.org:8080/TreatyStatus.nsf.

[2] See http://www.ctbto.org.

12. However, Guatemala reiterates and confirms its inalienable right under the Treaty on the Non-Proliferation of Nuclear Weapons and under the Treaty of Tlatelolco to acquire, develop and participate in nuclear technology in the future, solely for peaceful purposes, without discrimination and in accordance with articles I. II and III of the Treaty, particularly with a view to accelerating socio-economic development.

13. From that standpoint, Guatemala supports multilateral and international cooperation initiatives to benefit developing countries, particularly those directed towards Guatemala itself and the Central American region.

14. Guatemala holds the presidency of the Regional Cooperative Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean (ARCAL) for 2005, under the Technical Cooperation Programme of the International Atomic Energy Agency (IAEA) for peaceful uses of nuclear energy. Upon assuming the presidency of ARCAL, Guatemala proposed to the member States that they should elaborate and submit to IAEA a proposal for an ARCAL/IAEA strategic alliance. The proposal met with the firm support of the members and the Agency, which is providing technical support for the elaboration of the proposal.[3]

15. **Step 4**: The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate establishment of such a body.

16. As in the case of step 3, Guatemala favours the establishment of one or more subsidiary bodies open to all member States to deal with questions of nuclear disarmament, a step that the States members of the Conference on Disarmament should take at the first opportunity.

17. **Step 5**: The principle of irreversibility [is] to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.

18. Guatemala reaffirms the principle of irreversibility as applicable to all arms reduction measures for all types of weapons and to the related measures of verification and transparency.

19. **Step 6**: An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI.

20. Guatemala urges the nuclear-weapon States to eliminate all their nuclear arsenals in a clear and transparent manner.

21. **Step 7**: The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the Treaty on the Limitation of Anti-Ballistic Missile Systems as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.

22. Guatemala views favourably the initiative to apply the principles of transparency, verification and irreversibility in the Treaty between the United States

[3] Embassy of Guatemala in Vienna, fax No. 71-05/E31, dated 26 April 2005.

of America and the Russian Federation on Strategic Offensive Reductions through the destruction by the United States of America and the Russian Federation of their strategic nuclear warheads. It also urges them to formulate a plan for the reduction of strategic nuclear weapons within the framework of the START III programme.

23. **Step 8**: The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.

24. Guatemala urges the effective implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.

25. **Step 9**: Steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:

- Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally;
- Increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament;
- The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process;
- Concrete agreed measures to further reduce the operational status of nuclear weapons systems;
- A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination;
- The engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons.

26. Guatemala takes note of the general progress made since the previous review conference in terms of the reduction of arsenals, the used transparency mechanisms and the implementation of agreements pursuant to article VI and voluntary confidence-building measures, such as the accession by Timor-Leste and Cuba to the Treaty on the Non-Proliferation of Nuclear Weapons and the voluntary decision of the Libyan Arab Jamahiriya on 19 December 2003 to eliminate its materials, equipment and programmes intended for the production of weapons of mass destruction as a further step towards achieving the goal of a nuclear-weapon-free zone in Africa.[4] However, Guatemala regrets the withdrawal of the Democratic People's Republic of Korea from the Treaty and urges it to re-accede to the Treaty and to implement its provisions as soon as possible.

[4] Final inputs by the Non-Aligned Movement (NAM) Chapter in Vienna, States parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), in preparation for the 2005 NPT Review Conference, New York, 2-27 May 2005, article VI, p. 5.

27. Guatemala reaffirms its commitment to combating terrorism, particularly in accordance with the provisions of Security Council resolution 1373 (2001). In compliance with the resolution, Guatemala has submitted five national reports to the Counter-Terrorism Committee.[5]

28. Guatemala also shares the concern that weapons of mass destruction might fall into the hands of non-State actors. Since it is convinced that the best means to prevent this is through the total elimination of such weapons, it welcomes the preventive initiatives that have been instituted, such as those under Security Council resolution 1540 (2004). Guatemala has already submitted its first national report[6] to the Security Council Committee established pursuant to resolution 1540 (2004).[7]

29. **Step 10**: Arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside military programmes.

30. Guatemala urges the nuclear-weapon States, as called for in step 10, to make further efforts to place all fissile material under IAEA or other relevant verification. It also supports arrangements to use this material for peaceful purposes, in order to ensure that it remains permanently outside any military programme and, above all, beyond the reach of terrorists.

31. **Step 11**: Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.

32. Guatemala reaffirms its commitment to implement all the multilateral instruments it has ratified relating to disarmament in general, under the effective control and with the cooperation of the international community.

33. In this connection, the Government of Guatemala, through Government Order No. 191-2004, has established the National Commission for Disarmament, on a temporary basis for two years, whose mandate is to formulate and coordinate implementation of a national disarmament programme within the framework of the public safety policy. The mandate also includes strengthening the arms and ammunition act; collecting illegal weapons; destroying confiscated and/or stored illegal weapons; strengthening the National Civil Police; reinforcing points of import and export; and implementing public awareness programmes.[8]

---

[5] Permanent Mission of Guatemala to the United Nations, New York, 26 April 2005: the first national report was submitted on 25 December 2001; the second, on 8 July 2002; the third, on 17 March 2003; the fourth, on 10 March 2004; and the fifth, on 15 April 2005.

[6] Permanent Mission of Guatemala to the United Nations, New York, 26 April 2005.

[7] In its resolution 1540 (2004) of 5 November 2004, paragraph 4, the Security Council "*[d]ecides* to establish, in accordance with rule 28 of its provisional rules of procedure, for a period of no longer than two years, a Committee of the Security Council, consisting of all members of the Council, which will, calling as appropriate on other expertise, report to the Security Council for its examination, on the implementation of this resolution, and to this end calls upon States to present a first report no later than six months from the adoption of this resolution to the Committee on steps they have taken or intend to take to implement this resolution".

[8] See: International Action Network on Small Arms (IANSA), http://www.iansa.org/regions/camerica/iepades.htm, Guatemala, National Commission for Disarmament.

34. Guatemala has an arms and ammunition act, Decree No. 38-89 of the Congress of the Republic, which refers to nuclear and other weapons of mass destruction in articles 4 and 13, and provides for punitive measures in articles 93, 95 and 97 (c), among others, of title VII.

35. Guatemala also has a law concerning the control, use and application of radioisotopes and ionizing radiation (Decree-Law No. 11-86), with implementing regulations (Government Order No. 055-2001) and regulations governing radioactive waste management (Government Order No. 559-98) which also controls the use and application of radioisotopes and ionizing radiation and protects the health of workers and the general public. This instrument provides, among other things, for a verification mechanism, a waste register, a licensing regime and a system of penalties and fines.[9]

36. The Framework Treaty on Democratic Security in Central America entered into force for Guatemala on 28 October 1999. This instrument is supplementary to the Tegucigalpa Protocol to the Charter of the Organization of Central American States and seeks to reduce armaments, foster stability and promote confidence and transparency. The Treaty confirms the commitments entered into under the Treaty of Tlatelolco and other multilateral instruments related to disarmament.[10]

37. Guatemala invites the international community in general to participate in national disarmament programmes through international cooperation and through physical and visual inspections at any time by international representatives and members of the press, as the most efficient method for transparency and verification.

38. **Step 12**: Regular reports, within the framework of the strengthened review process for the Non-Proliferation Treaty, by all States parties on the implementation of article VI of the Treaty and paragraph 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament, and recalling the advisory opinion of the International Court of Justice of 8 July 1996.

39. Guatemala is conscious of the responsibility of the States parties for the implementation of all the provisions of the Treaty. It therefore reaffirms its commitment to report to the international community, within the framework of the Treaty on the Non-Proliferation of Nuclear Weapons, on the implementation of article VI.

40. Guatemala could join any consensus on the submission of periodic reports. However, owing to the fact that there is no nuclear activity of any kind within the country, the Government of Guatemala feels that submission of a report prior to each review conference would be sufficient. These reports could be supplemented by the obligation under article XIV of the Treaty of Tlatelolco to submit semi-annual reports simultaneously to the International Atomic Energy Agency and the

[9] Ministry of Energy and Mines of Guatemala: http://www.mem.gob.gt/mem/4.htm. Article 19 of the Mining Law (Decree-Law No. 69-85) covered regulations for and restrictions on the mining of radioactive minerals in the country. However, this Law was repealed by Decree-Law No. 41-93 which, in turn, was repealed by Article 94 of the Mining Law (Decree-Law No. 48-97). Unlike in previous Decree-Laws, this article no longer mentions the mining of radioactive minerals.

[10] Seventeenth Summit meeting of Central American Presidents. See website: http://www.sieca.org.gt/publico/Reuniones_Presidentes/xvii/tratado1.htm.

Organization of American States indicating that no activity prohibited under the Treaty has occurred in national territory.

41. **Step 13**: The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.

42. With a view to developing verification capabilities and transparency and in compliance with the provisions of the Protocol to the Comprehensive Nuclear-Test-Ban Treaty — as contained in part I thereof entitled "The International Monitoring System and International Data Centre function" — a type 3-C auxiliary seismological monitoring station capable of detecting seismic movements throughout the country and in Central America is being installed in the Department of Alta Verapaz, Guatemala, at the RDG Rabir site (latitude 15.0° N and longitude 90.5° W).

43. The installation of these international surveillance and verification systems results from an agreement signed in 2002 between Guatemala and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization.